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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,001	01/10/2000	Akitsugu Ohyoshi	FUJY 14.298	5037
26304	7590	02/11/2004		
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585				
			EXAMINER PATEL, AJIT	
			ART UNIT 2664	PAPER NUMBER 10
DATE MAILED: 02/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/481,001

Applicant(s)

OHYOSHI ET AL.

Examiner

AJIT G. PATEL

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oouchi (5,282,203, newly cited) in view of Kamo et al (5,610,918, of the record).

Referring to claims 1,9,10 and 12, Oouchi discloses an ATM network which comprising the steps of measuring a data quantity transmitted through each channel (101 of fig. 3) as in claims 1,9,10 and 12, operating a traffic restrictive level corresponding to the data quantity measured (102,103, 104 of fig. 3) as in claims 1,9,10 and 12, and performing a traffic restrictive process corresponding to a level of the traffic restrictive level which is operated about each channel (107 of fig. 3) as in claims 1,9,10 and 12. a traffic control portion reading out the information of the traffic restrictive process corresponding to the traffic restrictive level operated by the restrictive level operation portion about each channel from the restrictive process storage and performing the traffic restrictive process corresponding to the information read out from the restrictive process storage portion to each channel (107,108 of fig. 3) as in claims 10, 12. Oouchi does not specifically disclose a plurality of terminals connected to the frame relay networks which are connected to the ATM network. Kamo et al disclose a plurality of terminals (101, 102 of fig. 1) connected to a plurality of frame relay networks

(110, 120 of fig. 1) which are connected to the ATM network (103 of fig. 1).

Therefor, it would have been obvious to one skilled in the art to use the configuration as taught by Kamo et al in the system of Oouchi in order to provide a variable length frame to be exchanged at a high speed in a fixed length cell handling exchange network and increase the throughput of the system.

Referring to claim 2, Oouchi further discloses a traffic control method wherein the data quantity is measured as to data transmitted on each channel (lines 40-44, col. 2).

Referring to claim 3, Oouchi further discloses the steps of detecting a traffic restrictive class set for each channel (111 of fig. 2); performing the traffic restrictive process corresponding to the traffic restrictive class is detected (113 of fig. 2).

Referring to claim 4, Oouchi further disclose the limitation "wherein the traffic restrictive process comprises a process for writing information indicating that a congestion occurs to data transmitted through each channel" (lines 4-16, col. 2).

Referring to claim 5, Oouchi discloses the limitation "wherein the traffic restrictive process for discarding data transmitted through each channel" (lines 34-50, col. 2).

Referring to claim 6, Oouchi discloses the limitation "wherein the traffic restrictive process comprises a process for transmitting a message indicating that a congestion occurs to a transmitting terminal of data transmitted through each channel (lines 4-15, col. 2).

Referring to claim 7, Oouchi discloses the limitation "wherein the traffic restrictive process is performed based on a maximum transmission rate set for each channel" (101,102 of fig. 3).

Referring to claims 8,11, Oouchi further discloses at least one of the plural terminals is connected to the ATM network through no frame relay network (11---1n; 21---2n of fig. 2).

3. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 703-308-5347. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Ajit Patel
Primary Examiner